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STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES: QUESTIONS RELATING TO REFUGEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

HUMAN RIGHTS QUESTIONS

Letter dated 12 October 1998 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

At a time when the international community is commemorating the fiftieth anniversary of the Universal Declaration of Human Rights, the Government of Ethiopia is continuing its gross violation of the human rights of Eritreans and Ethiopians of Eritrean origin residing in Ethiopia.

In this regard, I have the honour to transmit an independent investigation report by Ms. Natalie S. Klein of Yale Law School covering the period from June to August 1998 (see annex). I wish to bring to your attention that the number of deportees (Eritreans and Ethiopians of Eritrean origin) has risen to over 25,000 since the release of the report and is increasing daily.

I should be grateful if you would circulate the present letter and its annex as a document of the fifty-third session of the General Assembly, under agenda items 20, 105 and 110, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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/...

ANNEX*

MASS EXPULSION FROM ETHIOPIA

Report on the Deportation of Eritreans and Ethiopians of Eritrean origin from Ethiopia, June – August, 1998

by

Natalie S. Klein

* Being circulated in language of submission only.

During June, July, and August of 1998 more than twenty thousand individuals of Eritrean national origin have been deported from Ethiopia by that country's government in a deliberate program of mass expulsion. Most of these individuals are Ethiopian citizens and the remainder are Eritrean citizens temporarily but legally present in Ethiopia. Those expelled were never charged with any crime. They were held for up to three months in prison, then put on buses, driven to the border, and told to walk across. Farmers in northern Ethiopia have been forced from their traditional lands on a few hours notice and ordered to leave for Eritrea on foot. Unknown numbers remain in Ethiopian detention camps, and those who still temporarily retain their freedom in Ethiopia have been required to register as "Eritrean" with the Ethiopian government.

Massive violations of human rights have taken place in the course of this program of mass deportation. In addition to the fact that the deportees were never afforded due process before their expulsion, all of their property has been effectively confiscated. While in prison, they have had to provide their own food and water, and some have been held, manacled, in solitary confinement or in overheated shipping containers. Families have been torn apart, with those children who accompany parents into exile suffering the same conditions of confinement and with those remaining behind left to fend for themselves.

This report details sixty five personal interviews and a variety of background materials collected during a two week visit to Eritrea in August of 1998.

Report by Natalie S. Klein BA (Juris.), LL.B (Hons) (University of Adelaide, Australia) LL.M (Yale), Barrister and Solicitor of the Supreme Court of South Australia. The author is currently a doctoral candidate at Yale Law School.

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I. INTRODUCTION

1. Overview of situation

Ethiopia's policy of mass expulsion of persons of Eritrean national origin, which rapidly resulted in the deportation of approximately twenty thousand individuals during the summer months of 1998, came about as a consequence of a brief military confrontation between the two countries in late spring of that year. In early May, Eritrea and Ethiopia clashed over certain border territories claimed by both countries, with the result being a quick Eritrean military victory but the prospect of a protracted effort by Ethiopia to reclaim the areas. At present, fighting has ceased between the two states as efforts at mediation are undertaken. Despite these attempts at the peaceful resolution of the dispute, Ethiopia commenced a policy of mass expulsion of Eritreans and Ethiopians of Eritrean origin from Ethiopia. The majority of those deported are Ethiopian citizens and the remainder are Eritrean citizens who were legally present in Ethiopia. The Ethiopian government has not differentiated in any way between these two groups, nor has it allowed individuals wishing to prove their legal Ethiopian citizenship the opportunity to do so.

A separate, but related, problem is the Ethiopian government's establishment of detention camps. An unknown number of Eritreans and Ethiopians of Eritrean origin are currently being held in detention camps in remote parts of Ethiopia. Some of the people being held in detention camps are former fighters for Eritrea who were demobilized after Eritrean independence. Also detained are persons who performed national service in Eritrea, on the grounds that they have received military training. Generally, it appears that all young and able bodied males are thus separated and detained. It remains unclear as to whether these detainees will be detained indefinitely or if they will eventually be deported. Little is known about the conditions in these detention camps.

The people being deported – the primary focus of this report – are typically not demobilized fighters or young people who have completed national service. Instead, the deportees include children who are alleged to have participated in tree planting programs

in Eritrea; women accused of supporting the Eritrean government; men and women said to have taken part in Eritrean community groups lawfully formed in Ethiopia; and elderly people who voted in the referendum for the independence of Eritrea. If people have "helped Eritrea in any way," to use the phrase of an Ethiopian Embassy official in Eritrea, they are expelled. Since no attempt is ever made to charge or prove any wrongdoing, the individuals deported assume that this category includes all those with any Eritrean ancestry or connection. According to the Ethiopian prime minister, the Ethiopian government need give no explanation; it may deport people merely because it "does not like the colour of their eyes". Indeed, numerous deportees that were interviewed affirmed that they were never given any explanation of any kind. The deportees are chosen for the simple reason that they are of Eritrean origin.

The process of deportation permits no consideration of individual circumstances prior to deportation. The deportees are subject to both discriminatory and arbitrary treatment. People have been picked up in the middle of the night, at work, or as they are leaving church. They have been given either false pretexts for accompanying police to police stations or no reason at all. A very small number of deportees have been able to approach courts to question their detention, either in person or through their family members, and these attempts at legal challenge have been unsuccessful. The length of time people have been detained has varied from three days to three months. The conditions of detention clearly violate standards of international human rights law. Deportees have been held in overcrowded prison cells and shipping containers. They are obliged to buy their own drinking water. The prisons do not provide food but instead the detainees must depend on food supplied by their family members who have not been arrested. After having been imprisoned for varying lengths of time, deportees are placed on buses and taken to one of several points on the Eritrean border. The conditions of the final portion of the journey are often harrowing. Men, women, children, and the elderly are forced to walk across battle zones, sometimes during the middle of the night, sometimes during the heat of the day, in order to reach the safety of Eritrea.

As of August 19, 1998, approximately twenty thousand Eritreans and Ethiopians of Eritrean origin have been expelled from Ethiopia and there is no indication that the number of people being deported is likely to stop. Indeed, the number of people being sent across the border is increasing every day. From August 14 to August 19, approximately 800 people were arriving along the border daily.

2. Conduct of investigation

We arrived in Eritrea on August 1, 1998 and spent two weeks investigating the situation of the deportees arriving from Ethiopia, personally interviewing a total of sixty five deportees.[1] Of these, fifty eight were selected from the large groups of deportees staying at four reception centers that we visited during this two week period. On arrival in Eritrea, the deportees are taken by government buses to the reception center closest to the point that they crossed the Eritrean-Ethiopian border. Three of these centers were temporary ones that had been established specifically for deportees in local schools while the fourth, in Tessenay, had been created several years earlier to receive refugees from Sudan. The Eritrean Relief and Refugee Commission manages these centers and registers all deportees upon arrival. Deportees receive a relief package and then are transported to the towns or villages in Eritrea with which they have ties. Deportees without families to accommodate them remain at the reception centers until appropriate arrangements can be made.

Of the four groups of deportees we interviewed, two groups of individuals remained at the reception centers because they possessed no family in Eritrea, and therefore did not know where in Eritrea they might resettle. The other two groups were still in transit to meet up with relatives at other points in Eritrea. We first met with a group of forty two people (thirty eight women and four men) who were being housed at the University of Asmara dormitories, of whom twelve were interviewed. These deportees have remained at the University as they do not have any relatives in Eritrea and therefore no place to settle. They nearly all spoke Amharic, rather than any of the Eritrean languages, and they

[1] The interviews reported below were conducted by the author with the assistance of interpreters fluent in English, Tigrigna and Amharic. The list of interviewees is included in Annex I.

ranged in age from thirteen to twenty eight years old, the majority being around nineteen years old. The second group we saw was at the Mendefera Resettlement Center. Again, the thirty eight deportees at this center, eighteen of whom were children under the age of thirteen, were those without family in Eritrea. As of August 4, 1998 (the date of our visit), 3209 deportees had passed through Mendefera (1099 women and 2120 men). The third reception center we visited was in Tessenay. We interviewed some of the one hundred and sixteen deportees who had arrived the previous day through the border town of Omhajer. The deportees were staying in Tessenay only to be registered and were then being transported to Asmara. Finally, we went to the reception center in Decamhare where deportees who had just arrived through Assab and Zalambessa were being registered before travelling to Asmara.

The remaining interviewees were seven individuals attempting to reestablish themselves as farmers in areas in the south of Eritrea. We traveled to the Badma region on the Eritrea-Ethiopia border where three hundred and sixty families that had been farming in Ethiopia have now resettled. These families had been forced off their farms south of the border, in Ethiopia, and had to cross the front lines of the military conflict on foot.[2]

Except for six interviews in Decamhare, the interviews of deportees were all conducted through a translator in Tigrigna (a main language in Eritrea) or Amharic (a primary language in Ethiopia). The other six interviews were conducted in English. All of these persons are identified below by their initials, as many individuals we met with expressed concern that if their names were published their families in Ethiopia would face retaliation.

We also interviewed, in English, the representative of 203 Ethiopians who were staying in the compound of the Ethiopian Embassy in Eritrea, located in Asmara, as well as the Ethiopian Attaché in the Embassy. Finally, a number of administrators provided us with background information and several organizations supplied us with their own reports. These included representatives of Red Cross Eritrea and the Eritrean Refugee and Relief

[2] The Badma area is currently claimed by both Ethiopia and Eritrea and is occupied by Eritreans.

Commission (ERREC) in Asmara and at the various reception centers, government officials in the Eritrean Department of Immigration and Ministry of Foreign Affairs, and three Ethiopian lawyers who had been deported to Eritrea because of their Eritrean national origin. UNICEF Eritrea and UNDP Eritrea had previously compiled reports on field trips they had taken and ERREC provided a preliminary report on the social characteristics and manner of deportation for the period of June-July 1998. Finally, Professor Asmarom Legesse's report on behalf of Citizens for Peace in Eritrea, entitled "The Uprooted: Case Material on Ethnic Eritrean Deportees from Ethiopia Concerning Human Rights Violations", assessed the situation as of the beginning of August. Any material from these sources used in this report is marked in footnotes.

The primary goal of this report is to provide first hand information on the mass expulsion of Eritreans and Ethiopians of Eritrean origin from Ethiopia. Although this report does not purport to give a detailed analysis of the legal issues involved, a brief initial synopsis of the prohibition of mass expulsion in international law and of related violations of human rights law provides context for the factual information collected. Also by way of introduction, a brief political background explains the traditional links between Eritrea and Ethiopia and how that relationship has now changed. This background clarifies the ties of nationality of the deportees to Ethiopia and to Eritrea. From this framework, Part II of the report addresses the following objectionable features of the mass expulsion: arbitrary and discriminatory selection of people for deportation; forced separation of families; confiscation of property; arrest without due process; inhumane conditions of detention; hazardous transportation to the border; continuing illegal and secretive conditions in detention camps; and violations of legally recognized diplomatic immunities. In Part III, allegations of reciprocal deportations of Ethiopians from Eritrea by the Eritrean government are discussed. Finally, recommendations are given for appropriate responses to this situation.

3. Prohibition of mass expulsion in international law

Mass expulsion is not a new phenomenon in the international system. This century has witnessed the expulsion of Armenians from the Ottoman Empire in 1915-1916 and the

expulsion of Jews from Nazi Germany in the period prior to the start of the Second World War. Asians were expelled from Uganda during the reign of Idi Amin and minority ethnic groups were expelled from the republics of the former Yugoslavia in the early 1990s. As these examples show, mass expulsion can be a precursor to even greater violations of human rights: mass extermination. Initial steps in genocidal campaigns often include the forced registration of individuals of a particular ethnicity or national origin; mass detentions; separation of the able bodied from vulnerable elderly, women and children; and wholesale confiscation of property. The stage is then set for an easy transition from a policy of mass expulsion to a policy of genocide.

These examples also have several other characteristics in common. Most importantly, mass expulsion involves the forced movement of large groups of people across international boundaries. These groups are typically targeted for expulsion because of their ethnic, religious or racial identity or because of their national origin. Discrimination is therefore a fundamental characteristic of mass expulsion. The act of expulsion is not the result of an individualized determination of guilt on the part of the expelled individual. Mass expulsion inevitably involves arbitrary treatment of the group concerned.

The legal prohibition on mass expulsion is specifically included in the regional human rights treaties of Europe[3] and Africa.[4] It is also included in Article 9 of the Universal Declaration of Human Rights: "No one shall be subject to arbitrary arrest, detention or exile."[5] This prohibition is derived from the right to freedom of movement and residence. The Universal Declaration of Human Rights provides in Article 13 that:

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[3] Article 3(1) of Protocol 4 to the European Convention provides: No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national." Protocol (No. 4) European Convention for the Protection of Human Rights and Fundamental Freedoms, Securing Certain Rights and Freedoms Other than Those Already Included in the Convention and in the Protocol Thereto, 7 ILM 978 (1986) (entered into force May 2, 1968).

[4] Article 12(5) of the 1981 African Charter on Human and Peoples' Rights states: "The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups." African Charter on Human and Peoples' Rights (Banjul Charter) OAU Doc. CAB/LEG/67/3/Rev. 5 (entered into force October 21, 1986).

[5] Universal Declaration of Human Rights, G.A. Res. 217 (III 1948) (voted on December 10, 1948).

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

These rights are reaffirmed and developed in the International Covenant on Civil and Political Rights (ICCPR),[6] which includes legal protections for aliens and also a state's nationals. The rights granted to aliens include the freedom of movement and freedom to leave any country. These rights are only to be restricted when "necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others", and when such restrictions are consistent with the other rights recognized in the Covenant. According to Article 13 of the ICCPR, unless there are "compelling reasons of national security," an alien may only be expelled following due process of law. A state's nationals have absolute protection against expulsion, for there is no "national security" exception to the rule that "[n]o one shall be arbitrarily deprived of the right to enter his own country". It is a firmly established rule of international law that a state may not deport or expel its own nationals.[7]

These generalized prohibitions are reinforced by more specific norms prohibiting the human rights violations that typically accompany mass expulsion. The targeting of a particular group for expulsion constitutes racial discrimination.[8] Discrimination denying freedom of movement and residence on the grounds of race, color or national or ethnic origin is prohibited by Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.[9] Because mass expulsions routinely involve rounding

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[6] International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1967) (entered into force on March 23, 1976). Ethiopia acceded to the ICCPR on June 11, 1993.

[7] Louis B. Sohn & Thomas Buergenthal (eds), The Movement of Persons Across Borders 85 (1995). *See also* Jean-Marie Henckaerts, Mass Expulsion in Modern International Law and Practice 78-83 (1995).

[8] *See* Article 2, International Convention on the Elimination of All Forms of Racial Discrimination 660 U.N.T.S. 195 (entered into force January 4, 1969). Ethiopia acceded to this Convention on June 23, 1976.

[9] Article 5, International Convention on the Elimination of All Forms of Racial Discrimination reads:

> In compliance with the fundamental obligations laid down in article 2, States parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ...
>
> (d) other civil rights, in particular:

people up and imprisoning them prior to deportation[10] they violate Article 9 of the ICCPR, which states: "No one shall be subjected to arbitrary arrest and detention". Unless an expulsion is carried out with proper regard for physical health and safety of the deportees there may be a violation of the prohibition of inhuman or degrading treatment. Article 7 of the ICCPR provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". The special rights to which children are entitled may also be violated through mass expulsion[11] – particularly with respect to the separation of families. Article 9 of the Convention on the Rights of the Child provides, in part: "States Parties shall ensure that a child shall not be separated from his or her parents against their will".

All of these generalized and specific norms are violated by the conduct at issue here. Ethiopia is legally bound by these norms, having recognized them by acceding to the ICCPR, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child. According to the 1995 Ethiopian Constitution, "[a]ll international agreements ratified by Ethiopia are an integral part of the law of the land."[12] Moreover, the aforementioned human rights norms, relating to the freedom of movement,[13] the rights to liberty,[14] and the prohibition against

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(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including his own, and to return to one's country. ...

[10] The European Commission of Human Rights defined a collective expulsion of aliens as "any measure of the competent authority compelling aliens as a group to leave the country except where such a measure is taken after and on the basis of a reasonable and objective examination of the particular cases of each individual alien of the group". *Becker v Denmark*, Decision of the European Commission of Human Rights as to the Admissibility of Application 7011/75, 19 Y.B. Eur. Conv. on H.R. 416, 454 (1976).

[11] Article 2 of the Convention on the Rights of the Child reads:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians, or family members.

Convention on the Rights of the Child, G.A. Res. 44/25 (entered into force September 2, 1990). Ethiopia acceded to the Convention on the Rights of the Child on May 14, 1991.

[12] Article 9, paragraph 4, Constitution of the Federal Democratic Republic of Ethiopia.

[13] Article 32, Constitution of the Federal Democratic Republic of Ethiopia.

[14] Articles 17, 19, 20, and 21, Constitution of the Federal Democratic Republic of Ethiopia.

inhumane treatment,[15] are all explicitly enshrined in the Ethiopian Constitution, as are protections for the family.[16] The Ethiopian Constitution specifically states, moreover, that the prohibition against cruel and inhuman treatment and the right to equality may not even be derogated from during times of state emergency.[17] Ethiopia's policy of mass expulsion thus violates legal rules that bind the government both domestically and internationally.

4. Political background to situation

Although the historical and political connections between Ethiopia and Eritrea are long standing and complex, the legal status of the persons currently subject to deportation can be appreciated from a summary overview of contemporary history of the region. At the end of World War II, Italy relinquished its colonial territories in Africa, of which Eritrea was one. Pursuant to a United Nations recommendation, Eritrea was federated with Ethiopia under the sovereignty of the Ethiopian crown. In the early 1960's, however, Ethiopia dissolved the federation and annexed Eritrea as a province, touching off a war of independence that lasted for thirty years. While the war effort originated with Eritreans fighting for independence, it was joined in later years by other Ethiopian groups who sought instead as their primary objective the overthrow of the existing Ethiopian government. These joint efforts were successful in 1991, at which point the Marxist-Leninist regime of Mengistu Haile Mariam was driven from power. A United Nations monitored referendum on Eritrean independence was scheduled for 1993 with the approval of the new Ethiopian government; and it resulted in a vote of over ninety nine percent in favor of independence. Since 1993, Eritrea has been an independent state.[18]

The dominant fighting force in Eritrea was the Eritrean People's Liberation Front (EPLF) which is now reconstituted as the political party, the People's Front for Democracy and Justice (PFDJ), that currently governs Eritrea. In Ethiopia, the dominant force was the EPLF's military ally, the Tigrayan People's Liberation Front (TPLF) from the Tigray

[15] Article 18, Constitution of the Federal Democratic Republic of Ethiopia.
[16] Article 34, paragraph 3, Constitution of the Federal Democratic Republic of Ethiopia.
[17] Article 93, paragraph 4, Constitution of the Federal Democratic Republic of Ethiopia.

region of northern Ethiopia. The TPLF went on after the overthrow of the Mengistu regime to form the core of the current Ethiopian government. The current border dispute between Eritrea and Ethiopia concerns the boundary between Eritrea and the Tigray region of Ethiopia,[19] so that the conflict pits the two former allies (EPLF and TPLF) against one another. Because the deportees mainly enter Eritrea by travelling north through Tigray, the deportations implicate conduct by both the central government of Ethiopia and also the regional administrators and police of the Tigray region.

Because of the many strong cultural, social, linguistic, and religious connections between the two countries – and because for forty years they were part of the same internationally recognized state – there has been constant movement and relocation from Eritrea to Ethiopia proper, and vice versa. Intermarriages are common. Although almost all of the current deportees are "Eritrean" in the sense that their families originated in the part of Ethiopia that achieved independence in 1993, each of these persons was legally a citizen of Ethiopia prior to 1991 for the simple reason that prior to the 1993 referendum no internationally recognized state of Eritrea existed. Furthermore, under Article 6 of the Ethiopian constitution, any person with one or both Ethiopian parents has Ethiopian citizenship by birth.[20]

At no point during the independence process was it suggested that persons whose family traced its roots to the Eritrean part of Ethiopia would automatically lose their legal status as Ethiopian citizens simply by virtue of the fact that Eritrea became an independent state. Neither was it ever suggested that the price of participating in the independence referendum was an automatic loss of Ethiopian citizenship. To the contrary, the Ethiopian Constitution provides that "[n]o Ethiopian national shall be deprived of his or her Ethiopian nationality against his or her will".[21] There is no legal basis for any Ethiopian government claim that it is "foreigners" who are being deported.

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[18] *See* Maps A and B for contemporary maps of Eritrea and Ethiopia respectively. The maps were produced by the National Geographic Society Cartographic Division.

[19] *See* Map C, which is produced by the Defense Mapping Agency, showing the region of Tigray in Ethiopia adjacent to Eritrea.

[20] Article 6, paragraph 1, Constitution of the Federal Democratic Republic of Ethiopia.

[21] Article 33, Constitution of the Federal Democratic Republic of Ethiopia.

MAP A

ERITREA
Red Sea
SUDAN
Nafka
Keren
Agordat
Massawa
Asmara
Tessenei
Adi Ugri
Decamere
Edd
ETHIOPIA
© 1998 National Geographic Society
38° E
40° E
NATIONAL GEOGRAPHIC SOCIETY
MCI
XPEDITIONS
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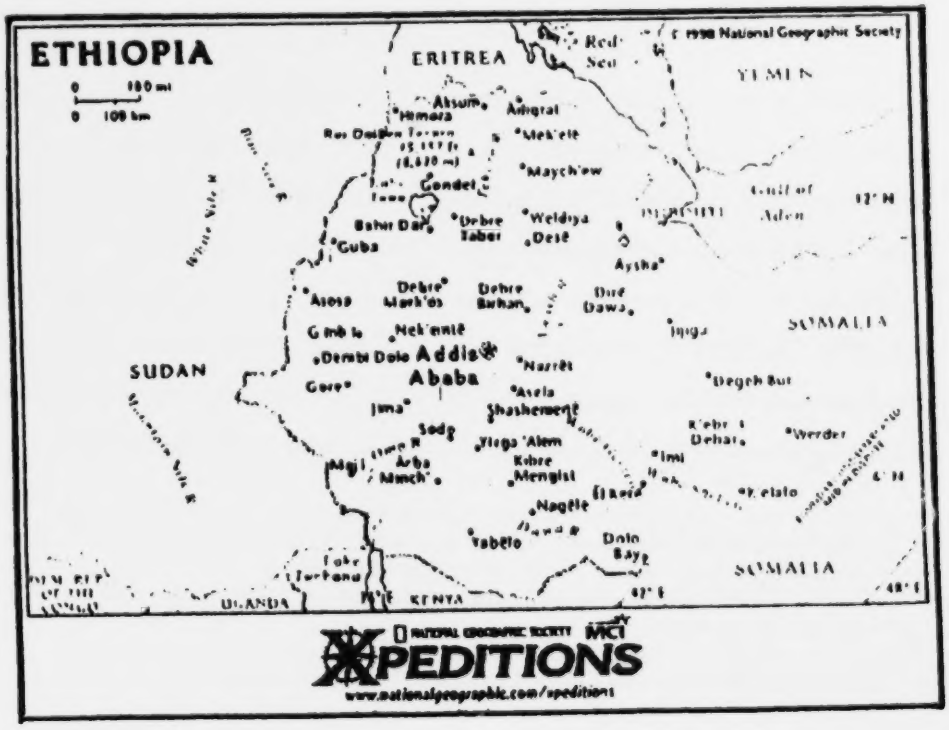
MAP B


ETHIOPIA
ERITREA
Red Sea
YEMEN
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Axum
Adigrat
Mek'ele
Maych'ew
Gondet
Debre Tabor
Weldiya
Dese
Bahir Dar
Guba
Aysha
Debre Mark'os
Debre Berhan
Dire Dawa
Aleta
Gimbi
Nek'emte
Jijiga
SOMALIA
Dembi Dolo
Addis Ababa
Narret
SUDAN
Gore
Axela
Degeh Bur
Jima
Shashemene
Sodo
Ziway
Kebre Mengist
Werder
Ilmi
Arba Minch
Negele
Yabelo
Dolo Bay
Lake Turkana
UGANDA
KENYA
SOMALIA
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MAP C

ERTRA
Asmara
Tessenay
Adwa
Mek'elle
TIGRAY
GONDER
Gondar
DJIBOUTI
WELO
Dessi
GOJAM
Debre Mark'os
GA
SHEWA
Addis Ababa
Dire Dawa
Harar
Jijiga

The majority of the deportees that we interviewed possessed full legal documentation of their Ethiopian citizenship before their arrest, although in some cases their documents were destroyed or confiscated by the authorities during the deportation process. Their documentation included Ethiopian passports, Ethiopian identity cards, which expressly stated the bearer's citizenship as "Ethiopian," and Ethiopian government business licenses which listed Ethiopian citizenship. Examples of these documents are included in Annex II.[22] The documents do not identify the holder as "Eritrean" (or otherwise "alien") in any way except arguably indirectly in cases where they list a physical location in Eritrea as a place of birth.[23]

Ethiopia's current efforts to characterize as aliens all persons of Eritrean parentage retroactively deprives such persons of a legal status that they possessed unquestionably up until 1991. The actions of Ethiopia run contrary to the strong presumption in international law against rendering people stateless.[24] The Ethiopian government is denying nationality on invidious and discriminatory grounds. The denial is based neither on a deliberate choice made by the individuals themselves to renounce their Ethiopian citizenship, nor on any general norms of Ethiopian law that would treat participation in the Eritrean referendum or other community activities as a constructive renunciation. It is grounded, instead, in the belief that a person with one or both parents from what has now become the independent state of Eritrea can be summarily expelled as a "foreigner," regardless of place of birth, long time residence, or lack of appreciable relationship with the newly independent Eritrean state. Ethiopia is merely seeking through this policy of mass expulsion to rid itself of a group it now decides is undesirable for reasons of parentage or national origin.

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[22] Identifying information has been blacked out where required in order to protect family members remaining in Ethiopia.

[23] Some of the persons that we interviewed also carried Eritrean identity cards, although the expulsions were not limited to such individuals. However, these Eritrean identity cards do not list Eritrea as the country of legal citizenship and they are held by persons of Eritrean parentage possessing varied legal citizenship around the world.

[24] *See*, e.g., Convention on the Reduction of Statelessness 989 U.N.T.S. 175 (entry into force December 13, 1975); Convention Relating to the Status of Stateless Persons, 360 U.N.T.S. 117 (entry into force June 6, 1960).

II. MASS EXPULSION FROM ETHIOPIA

The current mass expulsion from Ethiopia involves large scale deportation of Eritreans and Ethiopians of Eritrean origin from Ethiopia, arbitrarily selected because of their national origin. Occasionally, the Ethiopian authorities offer some alternative rationalization for the deportation of these people but the reasons given are ad hoc and after the fact. The grounds sometimes given for deportation all relate to activities that were lawful in Ethiopia until the present time. Generally, it is simply because a person is "Eritrean" that he or she is expelled.

1. Selection of people for deportation

As discussed above, the people who are deported are mostly Ethiopian citizens. The Ethiopian government, however, persistently ignores that fact, choosing to focus on ancestry or national origin as the means to categorize Ethiopians of Eritrean origin as "foreign". Using just such a characterization, Prime Minister Meles Zenawi has attempted to justify the Ethiopian government's expulsion of these "foreign" nationals. In an interview with Radio Ethiopia on July 9, 1998, Prime Minister Meles claimed:

> "As long as any foreign national, whether Eritrean or Japanese etc ... lives in Ethiopia [it is] because of the goodwill of the Ethiopian government. If we say 'Go, because we do not like the colour of your eyes,' they have to leave."[25]

The vast majority of deported individuals we interviewed were given no explanation for their arrest, separation from their families, and expulsion. They therefore assumed the reason was "because we are Eritrean". Many of these persons were born in Ethiopia and lived there for their entire lives. RG was born in Addis Ababa and carries an identity card, passport, driver's license, and Chamber of Commerce card all indicating his Ethiopian nationality. RG told the police he is Ethiopian but they asked where his

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[25] *Prime Minister Meles Zenawi's interview with Radio Ethiopia on July 9, 1998, at 8.30pm. Translated verbatim from Amharic (REVISED), in* Eritrea Profile, August 8, 1998, p. 9.

parents were from in order to determine his national origin. RG's parents were Eritrean. They had gone to Ethiopia in 1920 as followers of the Swedish Evangelical Mission, which was banned from Eritrea by the Italians. GT, a 21 year old cashier, was also born in Addis Ababa and has lived there for her entire life. She speaks only Amharic, not any Eritrean language. Her father is of Eritrean ancestry but her mother is not. When GT was picked up, she was told that she was being sent to "her country". GT stated that she did not believe this meant Eritrea until she was at the border.

A group that has been particularly targeted is farmers living in the Tigray region, near the northern border of Ethiopia with Eritrea. For example, three hundred and sixty deportee families have arrived in two villages just outside of Badma, near the border. In Sebra, one of these border villages, twenty four deportee families have arrived in a village that was previously comprised of sixty five families. The Ethiopian authorities are evicting entire villages in an apparent effort to rid these desirable farmlands of Eritreans. These evictions are in violation of Article 40 of the Ethiopian Constitution. Paragraph 4 of that Article states that "Ethiopian peasants have ... protection against eviction from their possession".[26]

The families in this region are not arrested or detained and transported to the border, but simply ordered to leave. LT was given one hour's notice to leave her property with her six children (aged seventeen, fourteen, twelve, twins of ten and three years). LT was not allowed to bring any of her possessions with her. In GT's village, everyone was ordered to leave by ten the following morning. According to GT, "the police told us that if anyone was left at ten in the morning, people or animals, then they could all be killed and the police would not be responsible". GT was able to bring four cows with him but was forced to leave all his other possessions behind. Y, Z and I left all their belongings in their houses and the Tigrayan officials confiscated their farming equipment. Y, Z and I also reported that houses in their village were destroyed or used for firewood or to reinforce trenches.

[26] Article 40, paragraph 4, Constitution of the Federal Democratic Republic of Ethiopia.

The evicted families must make their own way to the border on foot, crossing military lines, carrying their children. No regard was given to the ages or health of the evicted families. A twenty three year old was nine months pregnant when the police came to the farm and ordered her and her husband to leave. She told the police she was about to give birth but they told her they did not care because it would be an Eritrean baby. She gave birth on the walk from her farm to the Eritrean border. Not having eaten in several days, she did not have milk to feed the baby but had to give the baby sugar water after she crossed the border.

Typically, the deportees who have been living in Ethiopia for the greater part of their lives have contributed significantly to the social, political and economic well-being of Ethiopia.

- MM is a retired Ethiopian government soldier;
- ZS drove his truck for free for one month to support the Ethiopian government;
- AG donated money for relief efforts during a famine;
- HG worked on an advisory committee for security and on polling during Ethiopian elections;
- SM worked as a driver for the Tigrayan People's Liberation Front (TPLF) for eleven years;
- Several deportees served in government positions.

Some deportees stated that they had never assisted Eritrea in any way while others asserted that they had contributed equally to Ethiopia and Eritrea. Despite these contributions to Ethiopian society, these people were identified as being of Eritrean origin and expelled.

Such identification of Eritrean national origin is not difficult. One deportee explained that it would be well known to the *kebelle* (local neighborhood authorities) that a person is Eritrean – due to the person's language, friends and / or community group involvement. Informants in the *kebelle* could easily notify the police of the identity of Eritreans and Ethiopians of Eritrean origin. Several deportees also recounted stories of

meetings that were held throughout the different regions in Ethiopia. All Eritreans and Ethiopians of Eritrean origin were required to attend these meetings and to register as Eritreans with their local *kebelle*.

a. Grounds alleged for deportation of Eritreans and Ethiopians of Eritrean origin

Ethiopia's discriminatory policy is manifested in the criteria used by Ethiopian authorities to decide which of its citizens are "Eritrean". A representative of the Ethiopian Embassy in Eritrea stated in an interview with us that the policy of the Ethiopian government is to deport people who are "security risks". People who fall within this category, he said, include those who:

- "have served the Eritrean government";
- performed national service in Eritrea;
- are members of the EPLF or Eritrean community groups;
- have raised funds for Eritrea;
- "have helped Eritrea in any way"; or
- "have participated in activities in Eritrea".

These broad and vague criteria effectively ensure that every Eritrean and Ethiopian of Eritrean origin in Ethiopia is a candidate for deportation.

The interviews with the deportees confirmed the statement made by the representative at the Ethiopian Embassy. The deportees were surprised by the reasons occasionally proffered as a basis for deportation because the activities at issue were not in violation of Ethiopian law. Deportees were commonly asked, for example, whether they voted in the referendum for Eritrean independence. One deportee believed that this was the first question always asked by the police. TH, aged 72, was told that he was being arrested because he voted in the referendum for Eritrean independence and he therefore had to go to "his country". He complained that at that point, the referendum had been held with the support of the Ethiopian government, that "they had all worked together for democracy". According to TH, the police responded, that this was true, "but now it is changed". In common with many states' constitutions, the Ethiopian Constitution prohibits punishment

of activity that was legal at the time it was undertaken.[27] The deportations thus violate Ethiopian as well as international law.

Harmless summer activities were sometimes used as grounds for deportation. EA, aged eighteen, was picked up because the previous summer she had spent one month planting trees in Eritrea. She told us that most of the other girls that she was imprisoned with (thirty four other young women, aged between seventeen and twenty one) had also participated in the tree planting program. The police repeatedly asked whether they had done other activities besides planting trees, digging wells, and building dams. The girls denied having participated in any other activities but they were all deported.

Ethiopians of Eritrean origin were also deported if they supported Eritrean political organizations. For example, TH, a thirty five year old farmer, had lived in Ethiopia for sixteen years but was deported because he was alleged to be a member of the People's Front for Democracy and Justice (PFDJ). Similarly, LH was separated from his wife and three children when he was deported for being a member of the PFDJ and was accused of being "patriotic to Eritrea". Even membership of community groups can constitute grounds for deportation. AT was deported for being a leader of the Eritrean community group in Humera. It is unclear as to whether legislation has now been passed to render these associations unlawful; however, at the time of membership and when participation took place they were clearly not prohibited.

Others have been deported for exercising their legally protected right of free speech.[28] The police told RG when he was detained that they had received stories that he had criticized the TPLF's position with respect to the border conflict. According to HG, he was arrested because he had not attended an Eritrean community meeting in his village near Adi Geshu where the authorities wanted the community to "denounce the Eritrean aggression" in Badma. AH was arrested after being forced to attend a political meeting at

[27] Article 22, Constitution of the Federal Democratic Republic of Ethiopia.
[28] *See* Article 19, International Covenant on Civil and Political Rights. Freedom of speech and freedom of association are also protected in the Ethiopian Constitution. These rights are extended to aliens and

which she was told to make banners saying "Crush and Destroy the EPLF". AH refused and was deported.

Occasionally these criteria have been applied to people who are not of Eritrean national origin. KG of Adua, aged forty, has no Eritrean parentage, is married to an Ethiopian not of Eritrean origin, and has always lived in Ethiopia. KG owned a hotel in Adua and rented rooms to Eritreans who had connections with the Eritrean government. KG was accused of giving food to Eritreans and taking political action against the TPLF. S is a twenty two year old woman born in the Tigray region who has no family in Eritrea. She had been a fighter during the war, when the TPLF and EPLF were allies, and had fought with the EPLF. When the police came to arrest her, she was told that she was being taken for political re-education, and was never told that she was going to be deported. She told them repeatedly that she was Ethiopian, and showed her Ethiopian identity card. One of the officers independently knew that she was Ethiopian, because he was the official who had originally issued her Ethiopian identity card. She was deported nonetheless.

b. Deportation of Eritreans visiting Ethiopia

Ethiopia has also targeted Eritrean citizens who are legally present in Ethiopia on a temporary basis. AT, a sixty year old from Asmara, had traveled to Adua to seek repayment of a loan and was staying with a cousin when he was picked up and held in prison for twenty three days. JG had been staying with her sister and brother for a year when she was picked up. The police had come to arrest her brother, who was a demobilized fighter and had fled to Kenya when he heard about the deportations. JG was picked up and deported instead. Similarly, HG, aged sixteen, was picked up because the police could not find the family members they had come to arrest. HG had gone with her family to Addis Ababa to organize immigration papers. AB is a university student who was in Ethiopia for a year as part of an exchange agreement between the Ministers of Education in Ethiopia and Eritrea. Eighty one students taking part in this program were

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nationals alike. *See* Articles 27, 29 ("everyone") and 31 ("every person"), Constitution of the Federal Democratic Republic of Ethiopia.

picked up and held in the Fiche detention camp for forty days. Only forty nine of these students have been allowed to return to Eritrea so far.

In sum, the selection of deportees shows a clear pattern of discrimination on the basis of national origin. Any alternative justifications are essentially ad hoc rationalizations applied after the fact. While some were Eritrean citizens legally present, the majority of deportees are Ethiopian nationals who are being banished from their own country solely for reasons of Eritrean national origin. Frequently, the deportees' Ethiopian passports and identity papers are confiscated; in other cases, the passports are stamped "Deported – Never to Return." In deporting people who are Ethiopian nationals, Ethiopia is effectively rendering these people stateless.

2. Forced separation of families

A prominent feature of the mass expulsion of Eritreans and Ethiopians of Eritrean origin from Ethiopia has been the deliberate strategy of separating families. Under Article 23 of the International Covenant on Civil and Political Rights, "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State". The Ethiopian Constitution contains comparable protections.[29] The separation of children from their parents also constitutes a violation of the Convention of the Rights of the Child. This Convention provides in Article 9: "States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child." The interviews with the deportees indicate that Ethiopia has violated all of these provisions.

The forced separation of families has several dimensions. Before families can reunite, the deportees, and those who remain behind, face considerable financial and emotional burdens. In many cases families lose their main source of financial support or the primary caregiver of the family. In addition, the Ethiopian police have exercised

[29] Article 34, Constitution of the Federal Democratic Republic of Ethiopia.

complete random discretion to decide which family members stay and which are deported. These efforts to separate families occur not only at the point of arrest and detention but throughout the deportation process.

a. Loss of family's sole financial support and parental care

One inevitable result of the separation policy is that families are deprived of their primary source of financial support. The following stories are typical of this situation:

- TH, a mason, is married with three children, all of whom are school students and remain in Ethiopia. He was the only source of financial support for them.
- ZS, a fifty year old truck driver, was picked up at a checkpoint driving between Addis Ababa and Humera and deported. He has had no contact with his wife and six children in Addis Ababa and does not believe that they know he was arrested. His children are all school age and his family has no means of support in his absence.
- HG, aged twenty eight, has been separated from his wife and two children (a two year old and a five month old baby). He was also financially responsible for five brothers following the death of his mother. HG was not able to communicate with his wife before he was expelled and does not know what has happened to his business.

Numerous interviewed individuals reported being taken even though they were the sole caregiver present in the house at the time that the police arrived.

- EA was awake and making breakfast when the police came for her at five in the morning. She begged to be allowed to stay with the four children (aged one, three, five, and eight years) that she was tending until their mother's expected arrival home from her work at the hospital at eight. The police refused.
- HAT was alone in the house with her brother's child when she was arrested.
- AGT was on a long distance truck run when the police came for his wife and one of his children. His other five children were left alone in the house until he returned.

- HF, who is divorced, was deported with her fifteen year old son. She was forced to leave her seventy five year old blind mother alone in the house even though she begged the police to bring her mother with them. There is no one to take care of her mother now.

b. Separation subject to police discretion

Typically, no basis is articulated for why some family members remain while others are arrested and / or deported. AH told us he was only allowed to bring three of his daughters with him (aged thirteen, eleven and eight): "The children don't understand what has happened and keep asking when they can go home. They say that they miss their mother." Similarly, FBS has three of his five children with him and they repeatedly ask why this is happening. FBS said he has no answer to give them.

Whether children may leave with their parents is often a question left to the mercy of the police. TW of Mekele was picked up by the police at church. Her husband is a merchant in Addis Ababa and only comes to Mekele once a year. Her five children were alone in the house when TW was picked up, and had to be taken care of by the two oldest (aged fifteen and thirteen). Once informed that she was being sent to Eritrea, TW begged the police to be allowed to take her children with her because there was no one in Mekele to look after them. She was told that she might bring the ones under age eleven, and managed to leave with three of them (aged five, eight and twelve). The older two are still in Mekele. Similarly, ZB was deported with her two youngest children (aged nine and ten). She was able to bring these two children because one of her son's friends worked at the police station. Her three older children have remained in Addis Ababa with her husband. MT, a divorced woman, was allowed to bring her twin thirteen year old girls but had to leave her two older children.

Family divisions sometimes result from the fact that the spouses belong to different ethnic or national groups. Only the spouse of Eritrean origin is expelled and the other spouse is not permitted to accompany his or her partner. For example, AG, a sixty year old born in the Tigray region, has an Ethiopian wife with no Eritrean ancestry. She has

remained in Adua with their seven children. The same is true for TH, a farmer from Humera, who was unable to see his wife (not of Eritrean origin) before he was deported. He does not know how she and their two children (aged five and two years) will be supported now. ZS faces a similar situation. He is married to an Ethiopian woman not of Eritrean origin and the police refused his request that she and his two children (aged seven years and six months) come with him. The police told ZS that his children are Ethiopian and he should not expect to see them before they turn eighteen.

c. Continued attempts to separate families during the deportation process

A large number of deportees reported that even when they were able to bring some of their children with them, a further attempt at separation was made in the Tigray region before reaching the Eritrean border. ZB, who was deported with two of her five children, recounts that they traveled from Addis Ababa with four policemen from different Ethiopian ethnic groups. When the buses reached Adua, the Tigrayan regional police wanted to split the group by age and said that the children would be taken to the border by bus while the others would walk. The deportees thought this was a lie and would not separate despite forcible attempts by the Tigrayan police. The four policemen from Addis Ababa supported the deportees and insisted that they accompany the deportees to the border as per their instructions. EB, who was deported with four of her five children (aged fourteen years and younger); MT, who was deported with her thirteen year old twin daughters; and TG, who came with a daughter aged eleven, recounted a similar story. A representative of Red Cross Eritrea was of the opinion that the Tigray regional police had lied about buses being used to transport children across the border as the intention was to split the deportees in order to take the men off to camps. A summary of a field trip by UNICEF Eritrea also reports:

> It is said that at the transit camp in Adwa, after crossing into Tigray province, an effort was made by officials to separate children and women from men deportees – which frightened the deportees, who resisted.[30]

[30] *Summary of Field Trip Findings about Deportees' Children Left Behind – Report on field trips undertaken by UNICEF Eritrea to Assab and Mendefera to access* (sic) *the situation of the deportees.*

The Ethiopian government does not deny that it is purposefully separating families. A representative at the Ethiopian Embassy in Asmara explained that if a husband and wife are both "security threats" then one must leave and the other can remain for one month to settle the family's affairs before joining the spouse in Eritrea. A month is obviously an inadequate period of time for a remaining spouse to organize all of the family affairs to move to another country. Instead, the Ethiopian policy frequently results in families being compelled to leave property, both personal possessions and business assets.

3. Confiscation of property

The mass expulsion of Ethiopians of Eritrean origin has entailed a large scale violation of economic rights, in the form of *de facto* expropriation of virtually all of the property of the deported individuals. According to the deported Ethiopian lawyers we interviewed, under Ethiopian law no property may be confiscated except on the grounds that it was originally obtained illegally. These lawyers further stated that property or wealth illegally held, possessed, earned or obtained or property whose owner is not identified may be confiscated by the government only after court proceedings in accordance with Ethiopian law. The Ethiopian Constitution provides, in Article 40, paragraph 8, that the Ethiopian government may only expropriate private property "for public purposes subject to payment in advance of compensation commensurate to the value of the property".

Interviews conducted with a range of deportees indicate that the police purposely target particular people with certain assets. Large companies, hotels and trucks have commonly been taken. The deportees are sometimes given an opportunity to draft powers of attorney while in prison but under Ethiopian law these are not legally valid unless filed in court. The forms thus merely provide the authorities with additional information about the deportees' assets and bank accounts. Deportees have lost their businesses, their personal possessions and their pensions.

RG is an example of an individual who was probably targeted because of his assets, namely a successful agriculture export business. When the police came to pick him up, they already had information on the quantity, location and source of sesame seeds that he was preparing to export and the amount of rent he paid on his house. Another example is MM who was a distributor for Melotti Beer, owned a thirty hectare farm and a hotel, and was an agent for another farm. The Tigrayan police demanded that MM prepay the taxes on the crops MM would harvest that year but then prevented him from planting those crops. The police took two tractors as well as three refrigerators and three generators from his hotel before he was arrested. MM commented that it was obvious when he was picked up that the soldiers were going to keep the hotel as they started controlling it immediately and took the hotel's 35,000 Birr[31] petty cash. His two Melotti trucks were also confiscated. A further example is AT, a farmer in Humera, who owned twenty hectares of land and seventy five cattle. AT recounts that after he was picked up, the Ethiopians took the legal title to his land and began charging his family rent.

A report compiled by the Eritrean Relief and Refugee Commission (ERREC), based on information from interviews conducted with an initial group of 1402 deportees, estimated that the total value of assets and cash left by that particular group of deportees was USD 212 million.[32] A number of these deportees were business people who owned over USD 1 million worth of property and assets. A report published by Citizens for Peace in Eritrea,[33] containing transcripts of interviews with deportees, recounts that one of these deportees lost a 15 million Birr investment in a multi-story hotel. Another deportee, who holds a Masters in Civil Engineering from Stanford University, owned the largest construction company in Ethiopia and was responsible for the construction of a number of large buildings and bridges in Addis Ababa. He was also responsible for several waterworks projects, including three major government projects. After he was deported, his wife was initially given one month to sell all of their properties and other assets but she was expelled before she had a chance to do so. The police stayed overnight in their

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[31] The rate of exchange is 7.2 Birr to one US dollar (as of August 25, 1998).

[32] *A Preliminary Report on the Eritrean Nationals Expelled from Ethiopia During June-July 1998: A Synopsis of their Social Characteristics and Manners of Deportation.*

house and drove the workers out of the factories, garages and stores. All of these buildings were marked "sealed". He estimated that the total assets of the firms were more than 34 million Birr.

Recent news reports also indicate that the Ethiopian government is taking over businesses confiscated from the deportees. According to an Ethiopian television news report, rebroadcast by the BBC Summary of World Broadcasts, the Commercial Bank of Ethiopia has begun to monitor and control the activities of eleven large Eritrean-owned companies in Addis Ababa "for security reasons".[34] The Board of Directors of Horn International Bank, which was lawfully established in accordance with the National Bank of Ethiopia's regulations, has sent a letter of complaint to the United Nations Resident Coordinator in Eritrea. This letter points out that before the company's license was issued the government confirmed that the directors were of Ethiopian citizenship as required by law. The directors, who are all Eritrean origin, have learned of plans that the National Bank of Ethiopia intends to liquidate the Horn International Bank's assets, which are worth 14 million Birr.[35]

No deportee that we interviewed was given an opportunity to either bring or to dispose of all of his or her property and belongings. Pastoralists and farmers typically lost all of their cattle and farm equipment in addition to any land that they owned. Merchants experienced similar hardship.

- HG was a sesame seed farmer and his grinding machines and two camels, his most valuable assets, were confiscated.
- HO was a coffee merchant in Addis Ababa and he was not given an opportunity to sell his business before the police closed it down and sealed it.
- HKA, a merchant, sold off his entire stock when he heard about the deportations and gave the proceeds to an Ethiopian friend. He was not able to recoup this

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[33] Asmarom Legesse, *The Uprooted: Case Material on Ethnic Eritrean Deportees from Ethiopia Concerning Human Rights Violations*, 26 July 1998.
[34] "Ethiopian bank takes legal measures over firms owned by Eritrean deportees", Ethiopian News Agency, August 14, 1998, *reported by* BBC Summary of World Broadcasts, August 25, 1998.
[35] Letter to Mr. Martyn A. Ngwenya, UN Resident Coordinator, Asmara, Eritrea, July 16, 1998.

money once he was sent to prison as his friend is afraid to be seen helping an Eritrean in case he is punished as well.

These losses are systematically recorded by ERREC when registering newly arrived deportees.

The deportees lose not only their businesses but also all of their personal possessions. They rarely have an opportunity to pack any clothes or bring blankets to prison with them. LN was taken from her home at ten in the evening and was not allowed to change out of her pyjamas. AAK was picked up off the street and still carries his house key in his pocket. EB had no time to take anything from her house before she and her four children were taken to prison.

Deportation from Ethiopia has also meant that a number of Ethiopian nationals of Eritrean origin are no longer able to collect pensions from the Ethiopian government. BB worked as a driver and is now retired. He was receiving 92 Birr per month as a pension but can no longer receive it. AAK, a fifty eight year old teacher, had lived in Addis Ababa for fifty years. He retired four months before he was deported. His pension was accumulated from deductions taken from his salary as a teacher throughout his lifetime. There is no way for him to recover that money now. TT was receiving monthly compensation payments for the wrongful assassination of her husband by the previous Ethiopian government. She did not receive her last payment as she was picked up the day before it was due.

Many deportees recounted that prison officials required them to sign powers of attorney forms as a means to dispose of their assets. The formalities required to render an assignment of power of attorney legally effective are rarely completed. RG recounted his experience of organizing a power of attorney in prison: "I was given twenty four hours to organize it. There was no telephone in the prison and so I asked the people bringing food in to take a message for me. With so little time, I could not choose who I wanted but it had to be whoever could be found. I had to fill in a form in front of the prison guards. It was not a regular power of attorney form but one made for people in prison. The prison

guards stamped it, gave a copy to my friend and kept a copy for themselves. In doing this, they got all the details about my bank accounts and property. By knowing this, they can now use the information to block the sale of my property. It's a clever way for the Woyane [Tigrayan officials] to get property."

A number of deportees completed these forms despite knowing that the forms would not be legal unless filed with the court. TH filled in a form, which was stamped by the police, to give his wife power of attorney over his coffee plantation, rental properties and hops factory. TH does not believe this form was given to his wife. The police told AG that his power of attorney form would not be given to his wife because she did not need it. HF was not allowed to sign the administration of her Addis Ababa hotel over to anyone.

The range of property confiscated – from large businesses, to personal possessions, to pensions – has meant that all deportees lose something when they are sent to Eritrea. The value of the property confiscated increases every day as more and more people are sent across the border. The total estimated by ERREC in its report was only for one group of 1402 deportees. The number of deportees has now passed twenty thousand people and the rate of arrival of deportees has increased in the month of August. Ethiopia is continuing to round up all people with connections to Eritrea, to separate families and to confiscate their property. The people losing their property this way are being targeted because of their Eritrean national origin. The manner in which the Eritreans and Ethiopians of Eritrean origin have been arrested and the conditions of their detention and transportation also signal discriminatory and arbitrary treatment by the Ethiopian government.

4. Manner of arrest of Eritreans and Ethiopians of Eritrean origin in Ethiopia

Ethiopia has ignored all forms of due process in the arrest of Ethiopians of Eritrean origin. The method employed by Ethiopia to pick up these persons is in violation of Article 9, paragraph 1 of the ICCPR. This provision reads:

> Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

These rights are also enshrined in Article 17 of the Ethiopian Constitution. A deportee who prior to deportation worked as a prosecutor in Ethiopia confirmed that under Ethiopian law a warrant is required for an arrest. Not a single deportee interviewed stated that a warrant was ever produced or even mentioned at the time of arrest or thereafter.

a. Arbitrary arrests

Pursuant to their policy of separation of families, the Ethiopian authorities frequently arrived at a house, usually in the middle of the night, and took one family member. The following stories illustrate this point:

- The police asked for EA by name when she was picked up at five in the morning. She was taken to the station leaving four children alone in the house.
- ZB's husband answered the door at three in the morning and the police specifically requested that ZB, a mother of five, come to the police station.
- Nine police officers came to the home of YS and AS (a sister and brother). The police originally picked up YS and then sent her home with the message that her father was to take her brother, AS, to the station when he returned from school. AS is being held in a detention camp and YS was arrested and deported after she tried to take food and clothing to him.

Although these three examples involve cases where the police came looking for specific people, in other instances, the deportee was arrested simply for being in the wrong place at the wrong time. JG and HW were both picked up because the family members that the police wanted to arrest were away. AAK was followed by the police and then picked up off the street. ZS was arrested after showing his driver's license, which showed his place of birth as being in Eritrea, at a checkpoint in Gonder.

Ethiopian authorities also summarily rounded up all Eritreans and Ethiopians of Eritrean origin from certain areas. Deportees reported that they were registered by their local

kebelle where they had to provide their names and addresses. GT was picked up at midnight and witnessed the police continuing to pick up people in her neighborhood until five in the morning. MN is an eighteen year old who was taken from a school for orphans in Addis Ababa after the police issued a declaration that all schools should bring in "Eritrean" children. The orphanage delivered MN to the police station. AT recounted that only men had been arrested in his zone in Humera but it was announced that all women must report to the police station on August 18 for deportation.

b. Lack of reasons for arrest

The police in Ethiopia often gave no reasons at all when picking up the Eritreans and Ethiopians of Eritrean origin. Many deportees did not even ask for a reason, knowing that they were being arrested simply because they were "Eritrean". However, Article 9, paragraph 2 of the ICCPR states:

> Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

Arrest without justification is also in violation of the Ethiopian Constitution.[36] The police sometimes fabricated reasons for taking people to prison. The police falsely informed SM, who worked as a driver, that he was needed as a driver for an oil tanker going to Mekele. YG from Mekele and AG from Addis Ababa were asked to go to the police station "to make a statement". LN, a nineteen year old, was taken from her home on the pretext that the police wanted her as a witness for something.

The deportees were not "promptly informed of any charges" against them. At most, the deportees could guess why they were being held in prison by the questions they were asked. The questions often concerned whether they or one of their parents or grandparents was born in Eritrea; whether they had voted in the referendum; whether they held an Eritrean identity card; whether they had undertaken national service; whether they were "spies" for the Eritrean government. Many deportees had their fingerprints or photographs taken – some people were required to hold numbers in front

[36] Article 19, paragraph 1 of the Constitution of the Federal Democratic Republic of Ethiopia states: "Persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them."

of them when they were photographed. Several deportees were ordered to sign a form without being given an opportunity to read the contents of the form. No deportee that we interviewed was ever formally charged with any crime.

5. Conditions of detention

The absence of due process in the arrest procedure is followed by inhuman and degrading treatment in prison. In accordance with Article 10 of the ICCPR, "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". The Ethiopian Constitution similarly provides that persons held in custody have the right to treatment respecting their human dignity.[37] The deportees were, however, subject to harsh conditions in prison. These included: lack of food, water and health care; overcrowding and solitary confinement; and inadequate provision for children.

a. Provision of food, water and health care

Nearly all deportees said that they had not been provided with food but had to rely on family members to deliver food to them in prison. Those deportees with no family depended on food given to them by other prisoners. ZB had no food on her first day in prison because, with so many people in prison, there was insufficient time for all the prisoners' families to leave food for them. Her family came back at four the next morning and was able to give the guards food, sheets and clothing for herself and her two children. The prisoners were not able to see or speak to their family when the food was dropped off even though the right to communicate with family members while in prison is protected by Article 21, paragraph 2, of the Ethiopian Constitution. A number of deportees said that their families had also brought water to them while others said it was supplied. A few deportees said that they had bought food and water – in one case, by giving money to the guards. ZH mentioned that during the time she was in prison, the Red Cross visited. She reports that the Red Cross was told that the food, which had been brought by the prisoners' families, had been supplied by the prison.

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[37] Article 21, paragraph 1, Constitution of the Federal Democratic Republic of Ethiopia.

Many deportees had to regulate the amount of food they ate and water they drank because they were only allowed to go to the toilet twice a day and armed guards would accompany them. AA became ill while he was in prison but when he asked about going to a health clinic, AA was told, "You are Eritrean, we do not care if you die".

b. Overcrowding or solitary confinement

Eritreans and Ethiopians of Eritrean origin were not only imprisoned in police cells but were also detained in metal shipping containers of various sizes. ZS, aged fifty, was held in a metal container. He was detained there for twenty days with twenty seven other people, who were all ex-fighters or had performed national service. They were all held in manacles and it was extremely crowded. LN, a nineteen year old who had completed national service, was held in a shipping container with fifty other people before being deported. HKA shared a room with forty to fifty people, and it was so crowded that there was no room for people to lie down to sleep. TH was held in an underground room with forty other men for thirty days.

Several deportees reported being detained in solitary confinement.

- For five days, MH was imprisoned alone inside a metal container in a part of Ethiopia where the temperature routinely reaches 37 degrees Celsius (100 degrees Fahrenheit). It was so hot in the container that it caused burns on his back. MH was taken to a regular prison after he suffered a serious asthma attack.
- ZS, aged forty, was working as a temporary garbage collector in Wollo. His only connection to Eritrea is his mother's ancestry and when he told the police he was Ethiopian, they beat him until he agreed to say that he was Eritrean. The police told ZS that they were going to kick out or kill all the Eritreans they could find. The police kept ZS alone in a room with the lights off for one month. They only turned the lights on at meal times. His wife, who is not of Eritrean origin, brought food for him. He then spent one week in a regular prison before being deported.

- HF was also held in solitary confinement. Her house servant had been held in prison for four days and intimidated until she was willing to say things about HF. HF was imprisoned alone for fifteen days.
- MF was accused of being a spy and held in a cell without light for eight days.

c. Children in detention

Where children were deported along with their parents, they had to stay in prison with their parents and endure the same conditions. Article 37 of the Convention on the Rights of the Child states that "[n]o child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time". In the same Article, it is also stated that "[e]very child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age."

AT spent three days in prison with four of his children, aged between eight and sixteen years old. Two of NG's ten children were imprisoned with him for eight days because they followed him to the police station after he was arrested and protested his detention. AGT was kept in prison for three days with five children while his wife was kept in another prison with their other child for two weeks. None of the deportees who were accompanied by children indicated that special arrangements or consideration were given for children in prison with them.

6. Continued detention without trial

Contrary to the international law requirement that anyone arrested should only be detained for a reasonable time or be released,[38] Eritreans and Ethiopians of Eritrean origin that we interviewed had been held in prison for as long as three months. Some

[38] *See* Article 9, paragraph 3, International Covenant of Civil and Political Rights, which reads: Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.

deportees were moved from one prison to another, making it virtually impossible for relatives to locate them to provide food and water.

AT, a sixty year old man who had gone to Adua for repayment of a loan, was held in two different prisons for twenty three days before being deported. ZS also moved prisons – spending four weeks in the first prison and then six weeks in another prior to expulsion. MS was kept in prison for fifty seven days; he spent eight of those days alone in a cell without any light. AB, a university student participating in an exchange program between Ethiopia and Eritrea, spent a total of forty five days in prison. Only one deportee interviewed, HKA, had an explanation for this lengthy time. He said that during the two months and three days that he was in prison, the police investigated and determined he was a civilian and so could be deported.

No deportee reported being formally charged with any offense or being taken to a court. The ICCPR requires that:

> Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.[39]

No procedural opportunity of any kind was given for the deportees to challenge their imprisonment. GG, AT, NA and FH, all aged between seventeen and nineteen, said that their parents went to the authorities to make representations and the administrators told their families that they would be given reasons and their daughters would be released but this was not done. All of these women commented that this situation was very typical. WG, a wealthy businessman, stated that any opportunity to appeal would have been meaningless anyway, and commented that "the Woyane [Tigrayan authorities] are above the law. There is only fake justice."

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[39] Article 9, paragraph 4, International Covenant of Civil and Political Rights. A similar provision is included in Article 19, Constitution of the Federal Democratic Republic of Ethiopia, which provides in part: "Persons arrested have the right to be brought before a court within 48 hours of their arrest. ... All persons have an inalienable right to petition the court to order their physical release where the arresting police officer or the law enforcer fails to bring them before a court within the prescribed time and to provide reasons for their arrest."

The only way to be released was through extra-judicial means. JG was told that she would be released if she had sex with her arresting officer. One woman recounted that when the deportees crossed the border near Adua, the Tigrayan police told the deportees that if they paid 10,000 Birr then they would be taken back to Addis Ababa. She knew of four people who had been released for paying such bribes. AG, who arrived in Eritrea via Assab, recounted a similar story. AG considered that it was not worthwhile paying a bribe as he believes all Eritreans and Ethiopians of Eritrean origin will be deported anyway. KG, who was accused of helping Eritrea by renting hotel rooms to Eritrean supporters, paid the Tigrayan authorities 50,000 Birr as a guarantee that she would not support Eritrea in the future. She was nonetheless picked up two days after paying the guarantee and deported.

In sum, our interviews with deportees indicated that detention typically meant both overcrowding and a lack of provision of food and water. There was no certainty as to the amount of time a person would be detained and no recourse to judicial avenues was available. Contrary to both international human rights law and Ethiopian law, Eritreans and Ethiopians of Eritrean origin are given no due process before deportation and are subject to such conditions that entirely disrespect their "inherent dignity".

7. Transportation of deportees to the border

Farmers living in the northern area of Ethiopia who are forcibly expelled from their lands are not provided with any transport but are simply told that they must proceed to Eritrea on foot. Individuals coming from more distant places are transported on buses but under conditions no better than the imprisonment that preceded the deportation. As when in prison, the deportees lack sufficient food and water and are severely overcrowded. The final part of the journey always requires the deportees to walk to the Eritrean side of the border. The Ethiopian government has never notified the Eritrean government of where people will be dropped so that buses can be sent to meet them. Instead, the different groups of deportees are sent unpredictably to different parts of the border. These include

an area near the port of Assab, one of the hottest places in the world, and the flooded Setit River where those expelled are forced to wade through parts of the river carrying infants and helping the elderly.

The Ethiopian government has not permitted international humanitarian oversight of the deportation process. Contrary to a Statement of the Ethiopian Ministry of Foreign Affairs, representatives of the ICRC have not been involved in the transfer of Ethiopians of Eritrean origin.[40] Indeed, the representative of the Ethiopian Embassy we interviewed stated that the Ethiopian government prefers sole responsibility for the transportation for "security reasons". The bus journey to the border commonly took around three days. However, the journey time was inexplicably extended on certain occasions, when buses were held in the Tigray region for several days before proceeding to the border. A number of deportees said that the buses often traveled at night without any light – sometimes just relying on the tail lights of the bus in front. One deportee speculated that no lights were used because the police did not want the deportees to see a military base that they passed on the way to the border.

The provision of food and water was minimal, or non-existent. GT's journey to the border took three days of non-stop travel. She said that the deportees were only allowed to drink water from lakes that they passed during the journey. AB suffered from giardia as a result of water he drank during the journey to Assab. After asking for water during an overnight stop, the guards provided a small amount but AB saw in the daylight that the water was filthy. EA, who left the Gojam region, was not allowed to leave the bus to buy food but had to give money to the guards to purchase food.

All the deportees crossed the border on foot and most were sent across the border at night. HAT was taken to Humera with one hundred and fifty other deportees and they had to walk ten kilometers before Eritrean soldiers found them and provided transport to the nearest Eritrean town. TW and her three children (aged twelve, eight and five) had to

[40] Letter to Mr. Girma Asmerom, Eritrea's Ambassador to Ethiopia from the Head of Delegation in Ethiopia, International Committee of the Red Cross, *in* Eritrea Profile, 8 August 1998.

walk to the border in the dark. HO, aged seventy two, fell, injuring his hip, during the walk to the border and had to be helped by the other deportees. Both TW and HO had to walk seven kilometers to safety. The bus driver whispered to AT and the others in his bus that they should be sure not to step off the road because there were landmines.

Deportees who arrived in Omhajer were forced to cross the Setit River border. The bridge that spans this river has been washed out on the Ethiopian side by flood conditions resulting from heavy rain and so the deportees must wade through the water and then climb up onto the bridge to cross into Eritrea. As it is the rainy season, the water can be waist high and the current is very strong. The people forced to cross the border in this manner range in age from one year to seventy years old.

Many of the hundreds of deportees coming to Assab reported suffocating conditions during the journey. The average temperature in this area approaches 42 degrees Celsius (approximately 110 degrees Fahrenheit). The deportees were required to take their luggage from the top of the bus and hold it in the bus with them when they approached this area. The deportees were also told to close all the windows and were left in the buses all night. AT was traveling with his four children who became very ill and would not stop crying. After one child lost consciousness, the police allowed one of the doors to be open but refused to open the windows. The deportees then had to walk to the border.

ZS recounted a story of 800 deportees who crossed the border at Zalambessa on August 8, 1998: "It was night and it was raining. When the bus reached Tazzi, they told us to get off the bus and take our things. They told us that our country is straight ahead and to get out. We asked to wait until morning when it was light because we knew that we were walking into Eritrean front lines. The Woyane [Tigrayan authorities] said to go now or they would shoot some of us. We started to walk and the rain started. We stayed in one place for 15 minutes waiting for the rain to stop and then we got scared and started walking again. We heard another group behind us. At the same time that we heard that group, we heard firing coming from behind them. I thought that the Ethiopians had tricked us and that we were not being sent to Eritrea but they had decided to shoot us

instead. I'm not sure what happened next as I was so scared. I remember Eritrean soldiers coming and bringing us back behind the lines. Later, the Eritrean soldiers told us that they had heard the children crying and that is why they did not fire back at the Ethiopians. The soldier said it was lucky or they might have shot us by accident. I think that is what the Ethiopians wanted."

8. Detention camps in Ethiopia

At present, many Eritreans and Ethiopians of Eritrean origin are still detained in camps in Ethiopia. The first such camp was established in Fiche outside of Addis Ababa but since then additional camps have been established in more remote areas of Ethiopia. A number of deportees reported that they had been in prison with ex-fighters or Ethiopians of Eritrean origin who had undertaken national service. HG was in prison with eleven young Eritreans who he knows well. They were all accused of being fighters but HG knew that was not true. According to HG, these prisoners were taken away at midnight and he does not know where they have gone. ZS was detained with demobilized fighters and said they were taken away after spending twenty days in prison. HF was in prison at Shogele with ex-fighters and thinks they were taken to Assala, which is north of Addis Ababa.

AB, a university student in Ethiopia on exchange, was detained in Fiche with eighty other students for approximately forty days. He estimated that there were twelve hundred men being held in this camp. The oldest man was seventy years old and the youngest was fourteen. AB thought the average age would have been between twenty and twenty five. According to AB, the conditions in Fiche were "horrible". Their heads were shaved, they were not allowed to wear shoes and they had to wear coveralls. They received inadequate food and water and were only permitted to use the toilet twice a day. The prison was visited by representatives of the ICRC, the OAU and also the press. The prisoners were ostensibly allowed to talk to these visitors but most who did so were beaten after the visitors left. When AB was deported, everyone in the camp was required to pack. However, not all detainees were deported. At least thirty of the students and

hundreds of other detainees were taken to Blatine, which is in a remote area between Addis Ababa and the Kenyan border.

It is not known at this time exactly how many detainees remain in camps in Ethiopia. We do not know how many of these camps exist and, in particular, how many are unknown to and unvisited by the ICRC. The deportees that we interviewed about their experience in detention camps were ones who had been detained in Fiche. Although many deportees knew of demobilized fighters and other people "being disappeared", it is not possible to estimate the number. Information on these persons remains scant.

9. Violation of diplomatic immunity

Following the outbreak of fighting between Ethiopia and Eritrea, diplomatic relations between the two countries became significantly strained. On June 7, members of the Eritrean Embassy in Ethiopia, except for the Ambassador and one other staff member, were expelled. The circumstances of this expulsion were described to us by an official from the Eritrean Embassy at an interview at the University of Asmara.

The Eritrean official stated that "every diplomatic immunity was violated". The diplomatic staff were escorted from the Embassy by armed guards; their bags were searched and six suitcases were broken. The diplomatic pouch was inspected. Military cars were kept in front of the Embassy and video camera footage and photographs were taken as the Embassy workers left. The civil servants who worked at the Embassy (both Eritreans and Ethiopians) were imprisoned and some were expelled. These actions by the Ethiopian government are a direct violation of the Vienna Convention on Diplomatic Relations.[41] In particular, Article 45 provides: "If diplomatic relations are broken off between two States ... the receiving State must, even in the case of armed conflict, respect and protect the premises of the mission, together with its property and archives."

[41] *See* Articles 22, 24, 27 and 29, Vienna Convention on Diplomatic Relations 500 U.N.T.S. 95 (entered into force April 24, 1964). Ethiopia acceded to this Convention on March 22, 1979.

We inquired from representative of the Ethiopian Embassy whether similar violations had taken place at the Ethiopian Embassy in Eritrea. We were told that the Eritrean government had requested that Ethiopia minimize the number of staff in the Embassy but that no government representatives entered the premises.

III. ALLEGATIONS OF MASS EXPULSION FROM ERITREA

While the main focus of our investigations was the deportation of Eritreans and Ethiopians of Eritrean origin from Ethiopia, we also inquired into charges that Ethiopians were being expelled from Eritrea.

The official position of the Eritrean government was adopted by a resolution of the National Assembly on June 26, 1998:

> The National Assembly has asserted that in contrast to the inhuman policy of the Ethiopian government, the Eritrean government has not, and will not, take any hostile action against Ethiopians residing in the country. Their right to live and work in peace is guaranteed. If this right is infringed under any circumstances or by any institution, they have the full rights of redress. This policy that can see a horizon beyond the conflicts of today will not change even if the current crisis deteriorates to any degree.[42]

We questioned the representative of the Ethiopian Embassy in Asmara to determine whether this was true. He stated that Eritrea was not forcibly expelling Ethiopians from Eritrea but said that they were being "indirectly expelled" because they were losing their jobs and lived in fear of discrimination.

While we were in Eritrea, two hundred and three Ethiopians were temporarily residing in the compound of the Ethiopian Embassy. We interviewed the representative of these people in English. These people (one hundred and sixty one men, forty women and two children) were mostly casual laborers and house maids from the ports of Massawa and Assab. The laborers had lost their jobs because of a lack of work following the closing of the border between Ethiopia and Eritrea and Ethiopia's decision to use ports through Djibouti instead of Eritrea. These Ethiopians were not compelled by the Eritrean government to stay in the Embassy compound but went there for food and shelter because

[42] Statement of the 11th Session of the National Assembly of Eritrea.

they had run out of money. They all wanted to return to Ethiopia but were unable to leave because they could not afford the standard price of an exit visa.

Prior to our departure from Eritrea, the Eritrean government decided to waive the requirement of an exit visa for all Ethiopians wanting to leave and unable to pay the standard charge. A representative at the Eritrean Foreign Ministry informed us that members of the ICRC accompanied the Ethiopians to the border. The *Eritrea Profile* newspaper reported that:

> Some of those who left for Ethiopia said they were leaving in order to secure the release of their parents detained by the authorities. They said that the Ethiopian authorities detained the parents on the grounds that their sons or daughters were residing in Asmara.[43]

A UN Observation Mission reported on the situation of Ethiopian permanent residents in the Eritrean city of Assab as follows:

> The group met with approximately 25 Ethiopians who were permanent residents in Assab, some having lived there over 50 years. Many were port workers or day laborers. Those who were permanent port staff reported having been put on paid annual leave in late May. The daily laborers were having little income due to the lack of work in Assab since the border closed and expressed serious concern for themselves and their families. Many said that they had no money with which to buy food. When asked if they would like to go to Ethiopia, the people in the group declined, saying that Assab was their home and that they had no place in Ethiopia to return to. None of the group reported having been mistreated by others and they told the delegation that they had [no] other problem than of getting work to feed their families. They reported that the local authorities had begun registration for food provision the day before but had suspended because there were so many people to register that the scene became chaotic; they were told that registration would begin again during the week.[44]

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[43] "Over 180 Ethiopians Leave for Home on Voluntary Basis", *in* Eritrea Profile, August 15, 1998, p. 1.
[44] United Nations Development Programme, Asmara-Eritrea, *Update on Deportees: 12-10 July 1998*, 22 July 1998, Annex A.

According to these descriptions, Ethiopians are leaving Eritrea on a voluntary basis under the supervision of the ICRC. The main problems being faced by Ethiopians in Eritrea is a lack of employment (arising primarily from decreased business at the Eritrean ports) and the consequent lack of funds to procure transportation or to pay for exit visas to leave Eritrea. As noted above, the Eritrean government is now waiving the cost of this visa. The representative of the Ethiopian Embassy in Eritrea acknowledged that there had not been any forcible mass expulsion of Ethiopians from Eritrea since the start of the border conflict. In response to a question, the Eritrean Foreign Ministry official told us that the only Ethiopians in detention were those serving sentences for criminal convictions.

IV. RECOMMENDATIONS

In view of the above information, the following recommendations can be made:

1. Ethiopia must immediately cease all deportations of Ethiopians of Eritrean origin from Ethiopia. Eritreans who are not citizens of Ethiopia must not be deported without individualized judicial determinations unless there are compelling reasons of national security.
2. Eritreans and Ethiopians of Eritrean origin being held in detention camps in Ethiopia should be immediately released. Those who are accused of specific criminal offenses or who constitute genuine security risks must be brought to trial in accordance with international standards of due process.
3. The ICRC should be granted full access to all detention camps and information should be made available of the names of people being held in these camps.
4. Ethiopia and Eritrea should cooperate to facilitate the reunification of families separated through the deportation process.
5. A compensation commission should be established to compensate deportees for their confiscated property. This commission should be accessible both to individuals deported from Ethiopia as well as to any person leaving Eritrea who alleges that his or her rights have been violated as a result of action taken by the government of Eritrea.
6. Ethiopia should make reparations to Eritrea for the violation of diplomatic privileges and immunities.

Annex One – List of Interviewees

University of Asmara, August 3, 1998

S, 22 years, woman from Tigray region

GT, 21 years, woman from Addis Ababa

EA, 18 years, woman from Gojam

LN, 19 years, woman from Addis Ababa

HAT, 24 years, woman from Gojam

HS, 19 years, woman from Addis Ababa

YS, 22 years, woman from Addis Ababa

GG, 17 years, woman from Gojam

AT, 18 years, woman from Gonder

LD, 28 years, woman from Gonder

NA, 19 years, woman from Gonder

FH, 18 years, woman from Gonder

Mendefera Reception Center, August 4, 1998

TW, woman from Mekele, with children with her: RF, 5 years, girl; G, 8 years, girl; M, 12 years, girl

HW, 16 years, Eritrean woman temporarily in Addis Ababa

MN, 18 years, man from Addis Ababa

TH, 72 years, man from Tigray region

HO, 72 years, man from Addis Ababa

AT, 60 years, Eritrean man temporarily in Tigray region

HG, 55 years, man from Addis Ababa

BB, 73 years, man from Wollo region

SM, 39 years, man from Tigray region

AAK, 58 years, man from Tigray region

AG, 60 years, man from Tigray region

LH, 31 years, man from Tigray region

BG, 55 years, woman from Mekele

HG, 40 years, woman from Mekele; children with her: RT, 10 years, girl; DT, 7 years, boy

ZB, 46 years, woman from Addis Ababa; children with her: BH, 9 years, boy; RH, 10 years, girl

EB, 41 years, woman from Addis Ababa; children with her: YK, 14 years, boy; YK, 10 years, boy; TK, 8 years, boy; YK, 6 years, boy

TT, 48 years, woman from Addis Ababa

YG, 62 years, woman from Mekele

MT, 42 years, woman from Addis Ababa; children with her: FA and S, 13 year old twin girls

TG, 41 years, woman from Mekele; child with her: TW, 11 years, girl

MH, 55 years, woman from Mekele

KG, 40 years, woman from Tigray region

Woman from Addis Ababa (no other identity given)

Tessenay Reception Center, August 10, 1998

HKA, 38 years, man from Humera

TH, 35 years, man

HG, 28 years, man from Adi Geshu

MH, 31 years, man from Humera

MM, 65 years, man from Humera

ZS, 50 years, man from Addis Ababa

AT, 47 years, man from Humera

AA, 42 years, man from Humera; child with him: S, 5 years, girl

AH, 35 years, woman from Humera; children with her: H, 5 years, girl; H, 2 years, boy

Decamhare Reception Center, August 13, 1998

Interviews conducted in English:

AB, Eritrean man temporarily in Addis Ababa on student exchange

WG, man from Addis Ababa

RG, man from Addis Ababa

Student from Addis Ababa (no other identity given)

JG, 27 years, Eritrean woman temporarily in Addis Ababa

MS, man from Tigray region

Interviews conducted in Tigrigna:

AG, man from Addis Ababa

HF, 45 years, woman from Addis Ababa; child with her: 15 years, boy

AT, 49 years, man from Addis Ababa; children with him: four aged between 8 – 16 years

NG, 61 years, man from Addis Ababa; children with him: two aged 17 and 9

AH, 54 years, man from Addis Ababa; children with him: three girls, 13, 11 and 8 years

FBS, 43 years, man from Addis Ababa; children with him: three, 16, 12 and 8 years

AGT, 48 years, man from Addis Ababa; 6 children and wife with him (reunited at Center)

ZS, 40 years, man from Wollo region

Interviews in Badma region of families from border region, August 8, 1998

Woman, 23 years (no other identity given)

I, estimates he is between 50 and 60 years

Z, estimates he is between 50 and 60 years

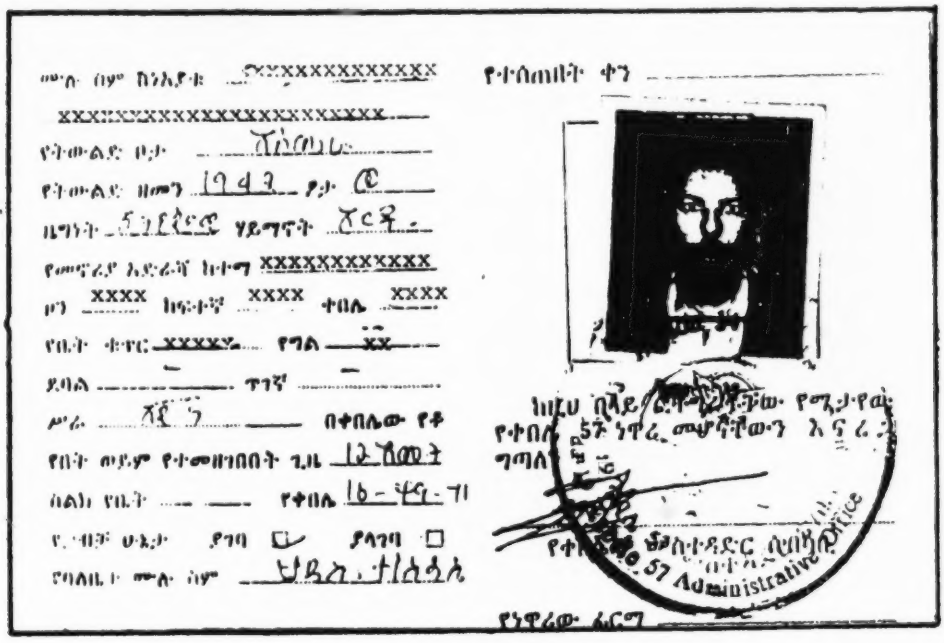
Y, estimates he is between 50 and 60 years

LT, woman

GT, man

F, woman

Annex II – Examples of Ethiopian identity documents held by deportees



TRANSLATION – Ethiopian Identity Card

This identification card is given to a person who lives in 57 Administrative Office.

Full name: XXXXXXXXXXX

Place of Birth: Asmara

Date of Birth: 1949

Sex: Male

Nationality: Ethiopian

Religion: Orthodox

Residence Address: XXXXXXXXX

House Number: XXXX

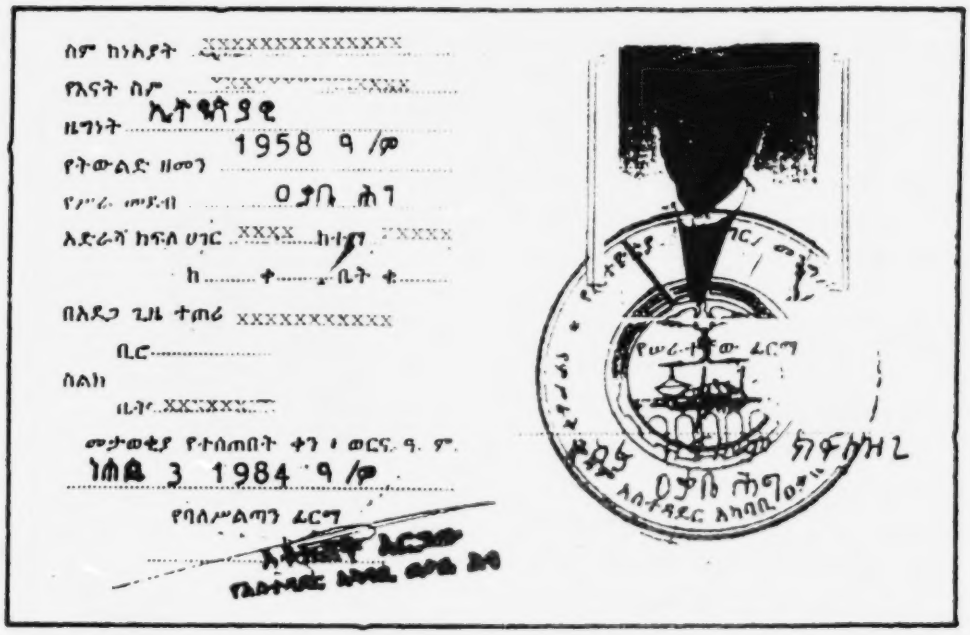
Occupation: Agip Oil Company

The place He/She Lives: 12 Yearth

Zobas Telephone Number: XXXXXX

Marital Status: Married

/...



TRANSLATION – Ethiopian Identity Card

Full name: XXXX

Mother's Name: XXXXXX

Nationality: Ethiopian

Date of Birth: 1965 [converted from Ethiopian calendar]

Occupation: Prosecutor

Address: XXXXXXXXXX

Contact in case of emergency: XXXX

Telephone Number: XXXXXX

Date of issue: August 10, 1991 [converted from Ethiopian calendar]

Issued by the Department of Justice, Federal Democratic Republic of Ethiopia, Western Gojam head office.

UNITED NATIONS **A S**

General Assembly
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GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 9 October 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 7 October 1998 (A/53/476-S/1998/935), I have the honour to draw your attention to a new violation of the national airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded on 8 October 1998.

On that day, one CN-235 of the Turkish Air Force entered the northern part of the Nicosia flight information region, violating international air traffic regulations as well as the national airspace of the Republic of Cyprus over the area of Mesaoria, and landed afterwards at the illegal airport of Tymbou in the occupied area of the Republic. Soon afterwards, the Turkish military plane took off and returned back to the Ankara flight information region.

As stated in my previous letters, such unauthorized intrusions into the Nicosia flight information region and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, are in contravention of the provisions of the Security Council resolutions on Cyprus, which state that such overflights increase tension on the island and undermine efforts towards achieving a final settlement.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey against the sovereignty and territorial integrity of the Republic of Cyprus, which are in blatant disregard of international law, the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus. These continuing overflights by the Turkish Air Force, as well as the presence of the Turkish military occupation forces on the island, constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative